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July 11, 2011

The Honorable Dora L. Irizarry  
United States District Court  
Eastern District of New York  
225 Cadman Plaza  
Brooklyn, New York 11201

Re: United States v. Thomas Frangipane  
Docket No.: 11-CR-00003 (DLI)

Dear Judge Irizarry,

The within correspondence is respectfully submitted in response to the Government's "Curcio letter" dated June 17, 2011. In its correspondence the Government does not seek disqualification based upon alleged actual conflicts but instead is merely notifying the court of potential conflicts involving Mr. Licata's continued representation of defendant, Thomas Frangipane. The government takes no position as to whether the conflict is waivable or not.

The within potential conflict arises from Mr. Licata's prior representation of co-defendant, Anthony Scibelli in USA v. Agate, 1:08-cr-00076 (JBW). The indictment in the Agate case was brought on or about February 7, 2008. Mr. Licata's representation of Anthony Scibelli was limited to Mr. Scibelli's arraignment and was concluded on March 19, 2008 when the Law Office of Gerald Shargel was retained to represent Mr. Scibelli. From that point, it was Mr. Shargel's office that represented Mr. Scibelli through the discovery stage all the way to Mr. Scibelli's sentencing.

It is respectfully asserted that Mr. Frangipane should be allowed to waive any potential conflict arising from Mr. Licata's prior representation of Mr. Scibelli. There is no knowledge that Mr. Licata has from his prior representation of Mr. Scibelli that is remotely related to Mr. Frangipane and there is nothing that could adversely affect either Mr. Frangipane or Mr. Scibelli. It is Mr. Frangipane who should decide whether Mr. Licata is able to continue to represent him.

Mr. Licata respectfully joins in the letter submitted by Joseph R. Corozzo dated July 11, 2011 to the extent that it applies to Mr. Frangipane.

Respectfully Submitted,

/s/ \_\_\_\_\_  
Vincent J. Licata